

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE C. SWINYER,

Plaintiff,

v.

JOHN DOE MORGAN *et al.*,

Defendants.

Case No. C04-5522RJB

ORDER ON PENDING
MOTIONS

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court are two motions. In the first motion plaintiff asks to stay this action until he is released from prison so he has better resources to prosecute the action. (Dkt # 89). That motion is **DENIED**. This case was filed in August of 2004 and further delay of the action is not warranted.

Plaintiff's second motion asks for clarification of a discovery rule. (Dkt. 90). Plaintiff also asks for leave to file an amended complaint. (Dkt. # 90). Federal Rule of Civil Procedure 33 limits the number of interrogatories a person may send to 25 and each discrete sub part in a question is

1 considered a separate interrogatory. Further clarification is not needed. The motion to amend is
2 **DENIED.** Discovery in this action was extended once and is now nearly complete. The adding of
3 new claims and defendants at this late date would result in undue delay.

4 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

5
6
7 DATED this 15th day of December, 2005.

8
9 /s/ J. Kelley Arnold
10 Kelley Arnold
11 United States Magistrate Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28